

REMARKS**Summary of the Office Action**

In the Office Action dated January 27, 2005, claims 1, 2, 4 and 8-12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,963,704 to Mimura et al. (hereinafter "Mimura").

Claims 3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mimura in view of U.S. Patent No. 6,577,812 to Kikuchi et al. (hereinafter "Kikuchi").

Summary of the Response to the Office Action

Applicant has amended claims 1 and 9 and cancel claims 8 and 10. Accordingly, Applicant respectfully requests reconsideration of pending claims 1-7, 9, and 11-12.

The Rejection under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 1, 2, 4 and 8-12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Mimura. Applicant respectfully traverses this rejection for the following reasons.

Applicant respectfully submits that the Office Action has not established that Mimura anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(e) should be withdrawn. Namely, Applicant contends that newly amended independent claims 1 and 9 recite the features of a parameter selector for "selecting the standard parameter when the associated setting parameter is not stored in the memory." At least these features are not disclosed or taught by Mimura. Because Mimura does not disclose the above-mentioned features of independent claims 1 and 9, it cannot anticipate the invention.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of*

California, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(e) should be withdrawn because Mimura does not teach or suggest each feature of independent claims 1 and 9.

Additionally, Applicant respectfully submits that dependent claims 2-7 and 11-12 are also allowable insofar as they recite the patentable combinations of features recited in claims 1 and 9, as well as reciting additional features that further distinguish over the applied prior art.

Claims 3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mimura in view of Kikuchi. Applicant respectfully traverses this rejection for the following reasons.

Kikuchi does not makeup for the deficiencies of Mimura. Applicant respectfully submits that the Office Action has not established that Mimura or Kikuchi teaches or suggests the Applicant's claimed invention and that all rejections under 35 U.S.C. § 103(a) should be withdrawn. Namely, Applicant contends that newly amended independent claims 1 and 9 recite the features of a parameter selector for "selecting the standard parameter when the associated setting parameter is not stored in the memory." At least these features are not taught or suggested by either Mimura or Kikuchi.

The Office Action has not established a *prima facie* case of obviousness at least because neither Mimura nor Kikuchi, whether alone or in combination, teach or suggest all the recited features of independent claims 1 and 9. Namely, neither Mimura nor Kikuchi teach or suggest at least "a parameter selector for "selecting the standard parameter when the associated setting parameter is not stored in the memory," features recited in claims 1 and 9.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". *In re*

Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicant respectfully asserts that the third prong of *prima facie* obviousness has not been met. Therefore, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) should be withdrawn because Mimura and Kikuchi do not teach or suggest each and every feature of independent claims 1 and 9.

Additionally, Applicant respectfully submits that dependent claims 2-7 and 11-12 are also allowable insofar as they recite the patentable combinations of features recited in claims 1 and 9, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

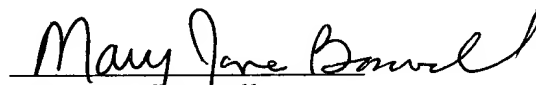
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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